



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/576,822

08/23/2007

Ian Anderson

6.70.1059 (LBT167US)

5410

7590  
Levy & Grandinetti  
P.O. Box 18385  
Washington, DC 20036-8385

05/19/2009

EXAMINER

HAGEDORN, MICHAEL E

ART UNIT

PAPER NUMBER

3754

MAIL DATE

DELIVERY MODE

05/19/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/576,822	<b>Applicant(s)</b> ANDERSON ET AL.	
	<b>Examiner</b> Michael Hagedorn	<b>Art Unit</b> 3754	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 23 August 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1 - 10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 - 10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>23 August 2007</u> .  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 3 - 6, 8 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kai (US Patent 6,142,344) in view of Noda (JP 2003191971).

Kai teaches a bag (4), two panels (figure 1b) forming a joined seam portion (2) open seam portion (22), bag neck molding (3), reinforcing edge wall portion (5) made of a layer of material thicker than the major seam portion and wherein the bag neck mold is secured with the panels of the bag by a weld (column 4, lines 4 - 8).

Noda teaches a back neck molding (2), valve (25) accessible from outside the bag, spear (24) extending into the bag; the bag neck molding (2) has a peripheral side wall (20) having a circumference greater in length than the then the edges of the panels extending along the open seam (figure 2) and the bag neck molding (2) an elongated shape with two rounded corners and two convexly curved side portions between the rounded end portions (figure 2)

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have a neck molding with a valve so that air can enter the bag creating a smooth pour and a spear so that all the liquid can be dispensed; having a circumference greater in length and elongated shape with two convexly curved side

Art Unit: 3754

portions will ensure that the spout can be placed in the open seam without causing damage to the bag.

3. Claims 2 and 7 - 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kai (US Patent 6,142,344) in view of Noda (JP 2003191971) as applied to claim 1 above, and further in view of Sakamoto (US Patent 5,699,936).

The Kai – Noda combination have been discussed above have all the features of the claimed invention except for wherein the bag neck mold is secured with the panels of the bag open seam by an adhesive or weld and is joined to the adjacently positioned edges of the panels extending along the open seam portion.

Sakamoto teaches wherein the bag neck mold (18) is secured with the panels of the bag open seam (27) by an adhesive and by a weld (column 3, lines 21 - 27); and is joined to the adjacently positioned edges of the panels extending along the open seam portion (figure 1 & 2).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have the bag neck mold secured by an adhesive or weld because this would prevent the neck mold from being detached to cause leaking of the fluid and having the neck mold joined to the panels of the open seam portion so that no damage is caused to the bag when its inserted.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US Patent and Patent Publications (2001/0027984); (6,981,614);

Art Unit: 3754

(2006/0108375); (6,860,406); (2008/0247684); (6,612,466); (6,000,848); (4,126,167);  
(2005/0173455).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Hagedorn whose telephone number is (571)270-5705. The examiner can normally be reached on 7am - 5pm; Mon thru Fri except federal holidays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kevin Shaver can be reached on (571)270-4720. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/M. H./  
Examiner, Art Unit 3754

/Kevin P. Shaver/  
Supervisory Patent Examiner, Art Unit 3754

Application/Control Number: 10/576,822  
Art Unit: 3754

Page 5